

REGULAR MEETING-MANSFIELD TOWN COUNCIL
October 26, 2009

Mayor Elizabeth Paterson called the regular meeting of the Mansfield Town Council to order at 7:30 p.m. in the Council Chambers of the Audrey P. Beck Building.

I. ROLL CALL

Present: Clouette, Haddad, Koehn, Lindsey, Nesbitt, Paterson,
Paulhus Schaefer
Excused: Duffy

II. APPROVAL OF MINUTES

Mr. Paulhus moved and Mr. Clouette seconded to approve the minutes of the October 13, 2009 minutes as corrected. Motion passed with all in favor except Mr. Schaefer who abstained.

III. PUBLIC INFORMATION SESSION

1. ARRA Overlay Project

Engineering Intern Shawn Fitzgibbons described the scope of the overlay project and commented that the overlay will be continued as far as possible given the amount of available money.

Charles Dainton, Mansfield City Road, questioned the use of chip seal on the road noting that sometimes the road seems mushy.

IV. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Mayor Paterson asked those present to join her in a moment of silence to remember Jasper Howard, the young athlete who was murdered on campus, and Herman Barlow, the long time proprietor of Mansfield Supply. The Mayor noted that each of these gentlemen affected the community in different ways.

Denise Burchsted, Warrenton Road, discussed potential water supplies and stated her concern that all alternatives are not being explored. Ms. Burchsted provided sections of the University of Connecticut Water and Wastewater Master Plan to support her position that the pipeline alternative is too costly and not environmentally friendly. She suggested the Council form a new committee on the water supply issue that would consider both the infrastructure for the water supply and the future ownership and management issues.

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Quentin Kessel, Codfish Falls Road, expressed his support for the comments of Ms. Burchsted and questioned why, if the Four Corner Sewer Study Advisory Committee was to investigate potential water supplies, it was not part of the original charge.

David Freudmann, Eastwood Road, remarked that he believes the DEP would look favorably on procuring water from another basin and asked why would you dig up streets to put in sewer lines and not put in water lines.

Howard Raphaelson, Timber Drive, asked the Council to consider the ramifications of putting only sewer lines in the Four Corners area. Mr. Raphaelson also raised questions about anticipated changes in the registration and payment process for exercise classes at the Senior Center and asked the Council to look at the policy.

Cynara Stites, Hanks Hill Road, reiterated Mr. Raphaelson's comments and stated that she has been told that the changes have been implemented to cover the cost of the instructor but believes that there has always been enough income to both pay for the instructor and purchase some equipment. Ms. Stites also asked that the Town enforce the ordinance prohibiting cars from parking on the roads during winter.

Lee Girard, Woodmont Drive and a member of the Four Corner Sewer Advisory Committee, submitted a statement in support of the resolution to be offered by Mr. Nesbitt. (Statement attached)

Mike Sikoski, Wildwood Road, noted that the evening's meeting was not being taped and asked why with all the money the Town spends our roads are not being taken care of.

Mr. Haddad moved and Mr. Clouette seconded to move Item 10, Mansfield Middle School Fuel Conversion Project, after Item 2. The motion passed unanimously.

V. TOWN MANAGER'S REPORT

Attached

Town Manager Matt Hart reported that the DOT has decided to add restoration of the Northeast Central Railroad line to the railroad plan. The Town recently hosted a forum on reinstituting the rail line.

In response to Council member questions, Director of Human Services Kevin Grunwald described the revised policy on preregistration for exercise classes at the Senior Center. He noted that all classes are self-supporting and that changes have been made to allow for medical refunds and a prorated number of classes. Mr. Grunwald is in favor of including Senior Center classes in the fee waiver ordinance.

Members discussed the role of the Council in setting fees at the Center, whether or not the level of communication with seniors was sufficient, the financial status of program and the primary goals of the program.

Ms. Lindsey moved and Ms. Koehn seconded to add to the agenda as Item 10a the issue of postponing the November 1, 2009 effective date.
Motion passed unanimously.

VI. OLD BUSINESS

2. Enforcement of Town Ordinances

Director of Planning Greg Padick reviewed the regulations enforced by the zoning officer that deal with Quality of Life issues noting that the majority of these regulations are controlled by statutes. Mr. Padick commented that the Planning and Zoning Commission is reviewing the definition of family. Director of Housing and Building Mike Nintean reviewed the enforcement activity of the Building and Housing Department and discussed possible future initiatives.

3. Community/Campus Relations

No comments

4. WPCA, Sewer Service Map Area

Mr. Haddad moved to recess the Town Council meeting and convene as the Water Pollution Control Authority. Motion passed.

Mr. Haddad moved and Mr. Schaefer seconded, effective October 26, 2009, to approve the Mansfield Sewer Area Map as prepared by staff and endorsed by the Planning and Zoning Commission,

and to authorize the submittal of said map to the Connecticut Department of Environmental Protection.

Ms. Koehn asked that the wording on the mapping be changed from "planned" to "potential". Accepted as a friendly amendment the motion as amended passed unanimously.

Mr. Haddad moved to adjourn as the Water Pollution Control Authority and reconvene as the Town Council. Motion passed unanimously.

5. Community Water and Wastewater Issues

Town Manager Matt Hart commented that it appears the Willimantic River Study data will be completed in time for recommendations to be presented at the December meeting of the UConn Water and Wastewater Policy Advisory Committee. He also reported that the Town is close to determining the scope of work needed to study off campus water usage.

6. Four Corners Sewer Advisory Committee

Mr. Schaefer distributed a statement on the October 13, 2009 Resolution on the Four Corners Committee. (Statement attached)

Mr. Nesbitt distributed a time line for the Four Corners Advisory Committee (attached) and presented the following resolution:

RESOLUTION TO CLARIFY THE CHARGES TO THE FOUR
CORNERS SEWER ADVISORY COMMITTEE ESTABLISHED
OCTOBER 14, 2008

BE IT RESOLVED THAT:

1. The Four Corners Sewer Advisory Committee shall be renamed the Four Corners Sewer and Water Advisory Committee
2. The Committee will continue to perform the duties as outlined in the Committee charges date October 14, 2008
3. The Committee will continue to disseminate information to Mansfield Residents through public informational meetings, workshops. Town web sites and other modes as deemed timely and appropriate.
4. The Committee may assist the staff and will participate in discussions concerning sewer, water and economic

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development issues that have a direct impact on the Four Corners area.

5. The Committee will disseminate information of its discussions in a timely and appropriate manner (i.e. minutes, workshops, memos, town web site) to all Town Boards and Commissions with an interest or statutory responsibility to items discussed.

AND FURTHER

That this resolution shall be appended to the Resolution establishing the Four Corners Sewer Advisory Committee and shall replace the Resolution to Clarify the Issue Charge to the Advisory Committee for the Four Corners Sewer Planning project dated October 13, 2009.

That a proposed plan of action of Committee activities dated October 28, 2009 shall be appended to this Resolution.

The motion was seconded by Mr. Paulhus.

Council members discussed the appropriateness of the proposed resolution with respect to Roberts Rules of Order. Mayor Paterson ruled that Mr. Nesbitt's motion was in order as it is a motion to rescind or amend and not a motion to reconsider. Ms. Koehn challenged the ruling. The Mayor's ruling was upheld with Clouette, Lindsey, Nesbitt, Paterson, Paulhus and Schaefer in favor and Haddad and Koehn opposed.

Mr. Nesbitt stated that the original charge to the Committee included issues pertaining to economic development and water. He addressed the issues raised at the last meeting and expressed his confusion as to what the resolution approved at the October 13, 2009 meeting means to the Committee.

Members discussed the role of the Committee, the level of communication with the Council, the consequences of piping water along Route 195, the options for installing water and sewer lines, the potential tax revenues, the benefit of establishing a separate water committee and the advisability of holding a workshop on the issue with the new Council.

Mr. Clouette moved to table the resolution until the next meeting. Seconded by Mr. Haddad the motion passed with all in favor except Mr. Paulhus who voted nay and Mr. Schaefer who abstained.

VII. NEW BUSINESS

7. IAFF, Local 4120 (Fire) Contract Extension, July 1, 2009 – June 30, 2010

Mr. Schaefer moved and Mr. Paulhus seconded, effective October 26, 2009, to authorize the Town Manager to execute the proposed one-year contract extension to the existing Collective Bargaining Agreement between the Town of Mansfield and Local 4120, IAFF, Fire Employees, which agreement shall enter into effect on July 1, 2009 and expire on June 30, 2010.

Motion passed unanimously.

8. ARRA, Energy Efficiency and Conservation Block Grant Program

Mr. Haddad moved and Mr. Paulhus seconded to approve the following resolution:

Resolved, that effective October 26, 2009, the Town Manager, Matthew W. Hart, is hereby certified to make, execute and approve on behalf of the Town of Mansfield any and all contracts and to execute and to approve on behalf of this municipality other instruments involved regarding the Town's application to the ARRA Energy Efficiency and Conservation Block Grant program.

Mr. Clouette moved to include effective October 26, 2009, to authorize the Town Manager to send a letter to the State Department of Transportation indicating that the Town of Mansfield wishes to proceed with the AARA Overlay Project for the southernmost portion of Mansfield City Road.

Accepted as a friendly amendment the motion passed unanimously.

9. Town Council Term of Office

Mr. Clouette moved and Ms. Lindsey seconded, effective October 26, 2009 to cancel the November 9, 2009 regular meeting of and Mansfield Town Council and to schedule a special meeting for November 16, 2009.

Motion passed unanimously.

10. Mansfield Middle School Fuel Conversion Project

Director of Finance Cherie Trahan explained that the need for the changes to the budget is a result of the need to increase the amount of authorized local funding approval for the project.

The amendments to the 2009/10 budget as follows:

General Fund – Increase transfer to the CNR Fund

\$350,000

General Fund - Increase the PILOT Grant Appropriation

\$350,000

CNR Fund – Increase the transfer to the Capital Project Fund

\$376,000

Capital Projects Fund – Increase the Appropriation for the MMS

Heat Conversion Project

\$476,000

(Note: \$100,000 from the Board of Education)

Mr. Clouette moved and Mr. Paulhus seconded to approve the following resolutions:

Resolved, effective October 26, 2009, the 2009/10 budget amendments as herein presented are adopted.

Resolved, that the resolution adopted by the Town Council on June 12, 2006 is hereby amended to increase the appropriation from \$3,800,000 to \$4,600,000 to be funded \$1,501,000 from the Reserve Fund for Capital and Nonrecurring Expenditures and \$3,099,000 from anticipated grants from the State Department of Education for the cost of replacement of the electrical heating system at the Mansfield Middle School.

Motion passed unanimously.

10a. Implementation of Change of Class Fees at the Senior Center.

Ms. Lindsey moved to postpone the implementation of the changes to the

exercise class fees until after November 1, 2009. The motion was seconded by Mr. Clouette.

Discussion ensued on the role of the Council in the setting of fees and whether or not the proposed policy change is administrative in nature. The Town Manager suggested the Council might want to look at broader policy goals but that staff should develop policies based on, among other things, the needs of the clients and the required internal controls.

Mr. Schafer called the question, seconded by Mr. Clouette the motion failed to garner the required two- thirds vote.

Members agreed to consider including the Senior Center classes in the fee waiver ordinance.

Mr. Schaefer left the meeting 11:10 p.m.

A friendly amendment to change the implementation date to after January 1, 2010 was agreed to and the motion as amended passed in a role call vote with Koehn, Lindsey, Nesbitt, and Paulhus in favor and Clouette, Haddad and Paterson opposed.

VIII. DEPARTMENTAL AND COMMITTEE REPORTS

Ms. Koehn objected to the proposal requiring vetting members of the Ethics Board. Mr. Haddad noted that the Ethics Policy will be reviewed by the Personnel Committee and voted on by the Council.

IX. REPORTS OF COUNCIL COMMITTEES

Mr. Haddad distributed a draft Accountability and Transparency Policy worked on by the Personnel Committee and asked that it be included as a future agenda item. He suggested the draft be referred to the Board of Education for a possible joint endorsement. Mr. Haddad also reported that the Committee would issue a RFQ to see who might be available to conduct a study on the rules and policies for nonunion employees.

Ms. Lindsey, speaking for the Committee on Committees offered the following nominations:

Robert Coughlin to the Solid Waste Advisory Committee

Gloria Bent to the Mansfield Advocates for Children

Carol Pellegrine, Joan Quarto and Will Bigl to the Commission on

Aging

Anne Smith to the Tourism Board.

Motion to approve passed by all.

X. REPORTS OF COUNCIL MEMBERS

No reports

XI. PETITIONS, REQUEST AND COMMUNICATIONS

11. Communications Advisory Committee re: Updated request
12. D. O'Brien, Town Attorney re: Town Charter Section C407
13. League of Women Voters re: Mansfield's Candidates Night
14. Legal Notice, Town of Mansfield
15. Notice of Special Town Meeting
16. Public Safety Committee re: Annual Report
17. Q-Notify Distribution List Subscribers
18. Windham Connecticut Renewable Energy Potential
19. State of CT, DEMHS re: Town of Mansfield Emergency Operations Plan
20. State of Connecticut re: H1N1 Situation Report
21. Connecticut Association of Boards of Education, Inc. re: Award of Excellence
22. Tolland County Mutual Aid Fire Service, Inc. re: Reverse Notification System
23. Agreement between Town of Mansfield and Mansfield Discovery Depot
24. Press Release: World War II Veterans Public Service Awards
25. Chronicle "Editorial: City should get tough on 'party houses'" – 10/20/09
26. Chronicle "Editorial: We offer these threads, needles" – 10/19/09
27. Chronicle "Four Corners committee's role clarified" – 10/14/09
28. Chronicle "Letter to the Editor" – 09/21/09
29. Chronicle "Letter to the Editor" – 10/08/09
30. Chronicle "Letter to the Editor" – 10/14/09
31. Chronicle "Letters to the Editor" – 10/15/09
32. Chronicle "Letter to the Editor" – 10/19/09
33. Chronicle "Letters to the Editor" – 10/21/09
34. Chronicle "Mansfield committee challenged" – 10/07/09
35. Chronicle "More progress on Storrs Center proposal" – 10/09/09
36. Chronicle "Proposed volunteer driver program now in limbo" – 10/19/09

37. Chronicle "Relay for Life to help find cancer cure" – 10/12/09
38. Chronicle "Relay walkers undeterred" – 10/19/09
39. Daily Campus "Mansfield celebrates, raises morale for future plans" – 09/14/09
40. Daily Campus "UConn students can help out in tough..." – 10/22/09
41. Hartford Courant "Fees on trash designed to encourage recycling" – 10/18/09
42. Horizons "Join in the fun at the Sixth Annual Festival..." – July/August 2009
43. Mansfield Today "Campaign 2009: William Ryan for Town Council" – 10/19/09
44. Mansfield Today "Is committee 'overstepping its bounds'?" – 10/09/09
45. Mansfield Today "Town may require parking permits for..." – 10/22/09
46. Mansfield Today "Your best opportunity to get to know..." – 10/16/09
47. Reminder News "Community comes out for Festival" – 09/18/09
48. Reminder News "Storrs Center gains Traffic Commission..." – 07/03/

XII. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

XIII. FUTURE AGENDAS

Mr. Nesbitt requested that the Finance Committee review the policy for fee adoption. Previously in the meeting members agreed to explore expanding the fee waiver to include Senior Center activities.

Mr. Paulhus moved and Ms. Lindsey seconded to recess the Town Council meeting and move into Executive Session to discuss Strategy and Negotiations with respect to Pending Claims or Pending Litigation, CGS§1-200(6)(b) and Personnel in accordance with CGS§1-200(6), 1-214(b)(5)(b)

XIII. EXECUTIVE SESSION

Strategy and Negotiations with respect to Pending Claims or Pending Litigation, CGS§1-200(6)(b)

Present: Clouette, Haddad, Koehn, Lindsey, Nesbitt, Paterson,
Paulhus

Also Present: Town Manager Matthew Hart and Public Works Director
Lon Hultgren

Personnel in accordance with CGS§1-200(6), 1-214(b)(5)(b)

Present: Clouette, Haddad, Koehn, Lindsey, Nesbitt, Paterson,
Paulhus

Also Present: Town Manager Matthew Hart.

XIV. ADJOURNMENT

The Town Council reconvened in regular session.

A motion to adjourn the meeting was made by Mr. Clouette and
seconded by Ms. Koehn. The motion passed unanimously.

Elizabeth Paterson, Mayor
Clerk

Mary Stanton, Town

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